



28 JUL 2006

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JUL 31 2006

In re Application of :
MAY, Lutz Axel :
Application No.: 10/482,002 ✓ :
PCT No.: PCT/EP02/06960 :
Int. Filing Date: 24 June 2002 :
Priority Date: 25 June 2001 :
Attorney Docket No.: 119508-00236 ✓ :
For: WORD DATABASE COMPRESSION :

DECISION ON PETITION
UNDER 37 CFR 1.47(b)

This decision is issued in response to applicant's "Renewed Petition under 37 CFR 1.47(b)" filed 27 April 2006 to accept the application without the signature of inventor, Lutz Axel May.

BACKGROUND

On 24 June 2002, applicant filed international application PCT/EP02/06960, which claimed a priority date of 25 June 2001. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 03 January 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 25 December 2003.

On 24 December 2003, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a copy of the international application.

On 14 April 2004, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed. The notification set a two-month time limit in which to respond.

On 14 October 2004, applicant filed "Petition under 37 CFR 1.47" and a petition for a three-month extension of time under 37 CFR 1.136(a). In a decision dated 10 February 2005, applicant's petition was dismissed without prejudice.

On 01 September 2005, applicant filed "Renewed Petition under 37 CFR 1.47(b)." In a decision dated 27 October 2005, applicant's petition was dismissed without prejudice.

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On 27 April 2006, applicant filed "Renewed Petition under 37 CFR 1.47(b)."

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(i); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the nonsigning inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages.

A review of the papers filed 14 October 2004, 01 September 2005, and 27 April 2006 reveals that petitioner has paid the requisite petition fee, provided sufficient proof that the non-signing inventor has refused to execute the application, stated the last known address of the non-signing inventor, provided an acceptable declaration, provided sufficient proof of proprietary interest, and provided a sufficient showing of preservation of right or irreparable damage. Accordingly, all of the requirements of items (1) through (6) above have been satisfied.

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is GRANTED.

The application will be given an international filing date of 24 June 2002 under 35 U.S.C. 363, and a date of **27 April 2006** under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



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